

RECORD OF PROCEEDINGS

August 19, 2008

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REGULAR BOARD MEETING:

Mayor Schmidt called the meeting to order at 7:00 p.m.

Pledge of Allegiance.

Trustees present for roll call were Trustees Webb, Keairns, Fowler, Blanken, Yarbrough and Davis.

MINUTES:

Trustee Davis moved to approve the minutes of the meeting held on August 5, 2008 as presented. Trustee Yarbrough seconded the motion. The vote was unanimous. Motion carried.

TREASURER'S REPORT AND FINANCIAL REPORT:

The Board acknowledged receipt of the treasurer's report and financial report for July 2008.

OLD BUSINESS:

GRANDOTE GOLF & COUNTRY CLUB SUBDIVISION APPLICATION – CLARIFICATION OF CONDITIONAL APPROVAL:

Mayor Schmidt noted that after conversation with the Town Attorney, Mr. Larry Berkowitz, it was felt that the Board needed to more clearly state the rationale for the conditional approval.

Mayor Schmidt noted that there is a conflict on the status of the streets. Because of the uncertain nature of the streets, a question arises as to whether a building permit can even be granted to lots in Grandote. Section 1.04.020(17) defines "Street" to mean and include "any public way, highway, street ..."

The status of the streets has now been placed in question by the lawsuit which Grandote Homeowner Association filed against the Town.

Section 15.08.130 of the Town code entitled "Construction on lots without direct access" provides:

"No building permit will be issued for construction activity on lots without direct access by frontage on a public street."

Section 17.04.060 entitled "Access to streets to be dedicated" which provides:

No building shall be erected on any lot nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the Board as a part of an official subdivision."

Section 18.08.260 entitled "Lot or Parcel" provides, in part:

"Lot" or "Parcel" means a measured portion of a subdivision or other piece, plat or area of land ... having it frontage on a public street ..."

The issue to be resolved or settled is the private versus public status of the Grandote streets raised by the lawsuit.

BOB AND LISA NORTHUP – OVERAGE CHARGES:

The Board discussed the problem and individuals commented on their feelings and concerns. Trustee Blanken stated she felt it would be fair to charge the base rate for the entire amount to pay for the cost of treat the water and provide the service to the home. After a short conversation regarding the proposal, Trustee Yarbrough moved to use the base rate only for the full amount of usage. Trustee Keairns seconded the motion. Trustee Davis voted nay. Motion carried.

NEW BUSINESS:

EXTRATERRITORIAL WATER USERS – REPLACEMENT OF WATER LINE:

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Mr. George Hughes addressed the Board regarding their need to replace the water line that was 50 years old. He noted that a 2" line was currently in place, but if they could afford it, the contractor they had discussed the work with recommended a 3" line because it would last longer. He also noted that they would not actually receive more than the 2" tap would provide. Mr. Hughes also stated that they would be crossing Paul Morgan's property and he had asked if he could get a water tap.

The Board was appreciative of the users for replacing the line, but the Town would not issue another tap on the line.

SHANE LESTER – RENEWAL OF WATER & SEWER TAP APPLICATION:

Trustee Yarbrough moved to approve the water and sewer tap application for Lots 1 & 2, Block 78 more commonly known as 103 S. Walnut. Trustee Fowler seconded the motion. The vote was unanimous. Motion carried.

HUERFANO COUNTY BRANCH – FIRST NATIONAL BANK IN TRINIDAD – REQUEST FOR VARIANCE:

Ms. Virginia Cusimano addressed the Board with the need to have a variance to place a new roof on the ATM located at Ryus and Main Street and that the building is not in compliance with set backs. After review of the information provided Trustee Fowler moved to approve the variance request. Trustee Keairns seconded the motion. The vote was unanimous. Motion carried.

LA VETA FIRE PROTECTION DISTRICT – REQUEST FOR DONATION OF LAND FOR NEW FIRE HOUSE:

Mr. Mark Brunner spoke to the Board about building a new fire house and the request was for a parcel of Town owned property located on Moore Street behind the Community Center. After discussion the Board asked Mr. Brunner to get a survey of the property for review by the Board.

INTERGOVERNMENTAL AGREEMENT FOR PROVISION OF EMERGENCY COMMUNICATION SERVICES:

Mayor Schmidt spoke to the Board in regard to an Intergovernmental Agreement which the Board received just prior to the meeting. The Mayor noted that at the joint meeting the County had asked for the parties to agree in principle with the agreement and that the Town would participate in the plan.

Trustee Webb moved that the La Veta Town Board agree in principle with the proposed intergovernmental agreement for provision of emergency communication services. Trustee Davis seconded the motion. The vote was unanimous. Motion carried.

Trustee Davis moved to authorize the Mayor to sign a resolution in support of a 1% sales tax increase on the ballot to fund the emergency communications services. Trustee Yarbrough seconded the motion. The vote was unanimous. Motion carried.

BOARD REPORTS:

HPC: There was no report.

TREE BOARD: Ms. Barb Kowalik noted that there would be something at the next meeting.

CORRESPONDENCE:

Mr. Ron Ortivez was recognized and he spoke to the Board about the drainage situation and talked about the problems at his home when it rained. The Board talked about the need to clear culverts and ditches after each storm event and to insure that the right size culverts were in place.

SUBCARRIER COMMUNICATIONS PROPOSAL FOR A CELL TOWER:

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The Board took input from Chip Kraynyk and Rena Kaplowitz regarding the cell tower. Trustee Yarbrough stated that she was strongly opposed due to it being a visual eyesore and obsolete technology. Trustee Keairns noted that he had numerous people speak to him in favor of the cell tower. Trustee Fowler noted that he was opposed.

Trustee Fowler moved to oppose the construction of the proposed 180 cell tower due to adverse impact on visual corridor, conflicts with the County Land Use Guide and the obsolete technology. Trustee Yarbrough seconded the motion. The vote was unanimous. Motion carried. A letter was to directed to the Planning and Zoning Commission and County Commissioners.

At 8:51 p.m. Trustee Davis moved to go into executives session for the purposes of determining positions relative to matter that may be subject to negotiations, developing a strategy for negotiations and instruction negotiators pursuant to C.R.S. § 24-6-402(4)(e). Trustee Yarbrough seconded the motion. The vote was unanimous. Motion carried.

The meeting reconvened at 9:38 p.m. No action was taken.

COMMITTEES:

Streets and Alleys:

- Trustee Davis reported that the sidewalk project had been delayed a few days due to rain. It was anticipated that the project would begin later in the week.
- Trustee Yarbrough asked about the drainage study done by CSU and asked if the Town was going to implement the study. Trustee Davis stated he thought the Board should try to get a DOLA grant for an engineered study. The Board spoke about the drainage problems in Town.

Police, Code Enforcement and Building:

- The committee re-scheduled their meetings for the 2nd Wednesday of each month at 6:30 p.m.

Water and Sewer:

- It was noted that the water project bid opening would be on August 21, 2008. The matter was briefly discussed.

Personnel:

- The Personnel Committee reported that they had met and drafted a job description for Shannon Shrout. The job description would need to be typed and then would be forwarded to the Board for review.
- Trustee Yarbrough moved to approve the leave request of Chris Knowles from September 3 to September 9, 2008 but that any outstanding comp time would be used first. Trustee Webb seconded the motion. The vote was unanimous. Motion carried.
- The personnel committee scheduled a workshop for August 18, 2008 at 6:00 p.m. to work on job descriptions.
- Trustee Yarbrough moved to hire J. Patterson at \$15.00 per day to clean the boxcar restrooms and that the job does not include park trash removal. Trustee Blanken seconded the motion. The vote was unanimous. Motion carried.

Museum:

- Trustee Blanken reported on her attendance at the Museum Board's meeting and noted several projects they had plans for that had not been presented to the Board for approval. She also noted that the museum board's meeting were now on the 3rd Thursday of each month at 4:30 p.m.

Finance:

- There was no report.

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BILLS:

GENERAL FUND		
29190	Nancy Culbreath	\$ 901.18
29191	Nancy Culbreath	\$ 39.08
29192	Christy Deaver	\$ 858.65
29193	Al Drum	\$ 120.76
29194	FPPA	\$ 662.46
29195	Chris Knowles	\$ 786.00
29196	Tom Lessar	\$ 132.98
29197	Marguerite Schreiber	\$ 227.96
29198	Akira Vaughan	\$ 38.90
29199	Jason Vaughan	\$ 499.33
29200	Jason Vaughan	\$ 49.73
29201	Harold Willburn	\$ 1,332.06
29202	CMJA	\$ 175.00
29203	Nancy Culbreath	\$ 35.64
29204	Marguerite Schreiber	\$ 100.00
29205	Bob's Painting	\$ 750.00
29206	AT&T	\$ 163.43
29207	CenturyTel	\$ 697.98
29208	Cliff Brice	\$ 1,160.75
29209	Waste Connections	\$ 55.90
29210	Grimshaw & Harring	\$ 7,987.43
29211	Lila Manzanares	\$ 390.00
29212	Mountain Disposal	\$ 60.00
29213	Verizon Wireless	\$ 94.57
29214	Museum I & M	\$ 4,720.51
29215	Streets & Sidewalks	\$ 4,720.51
	TOTAL DISBURSEMENTS	\$ 26,760.81
WATER FUND		
6782	Department of Local Affairs	\$ 12,765.35
6783	DPC Industries	\$ 228.22
6784	Meyer & Sams, Inc.	\$ 45,905.01
6785	Pueblo City/County Health	\$ 34.00
6786	General Checking	\$ 31.23
6787	US Postmaster	\$ 139.91
	TOTAL DISBURSEMENTS	\$ 59,103.72
SEWER FUND		
2353	CJ Bynum	\$ 844.18
2354	Rob Saint-Peter	\$ 1,007.95
2355	Shannon Shrout	\$ 941.47
2356	Cliff Brice	\$ 113.03
2357	General Checking	\$ 900.90
	TOTAL DISBURSEMENTS	\$ 3,807.53

Trustee Yarbrough moved to approve payment of the bills. Trustee Fowler seconded the motion. The vote was unanimous. Motion carried.

ADJOURNMENT:

There being no further business to come before the Board, Mayor Schmidt adjourned the meeting at 10:23 p.m.

Mickey L. Schmidt, Mayor

Nancy Culbreath, town clerk